THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No. 15931 of 2006
Dated:01-08-2006

Between:
Kuthumbaka Ramesh ... Petitioner

And
The Returning Officer, State-1, Gram Panchayat Elections, V.Venkatayapalem Gram Panchayat, Khamam Urban Mandal and District and others.

... Respondents

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ORDER:

1. The main ground of attack is that despite the fact that the defective declaration was filed, the nominations were accepted.

2. The writ petition is filed for a writ of Mandamus declaring the action of the 1st respondent in accepting the nomination of the respondents 2,3 and 4 without passing any order on the objections filed by the petitioner dated 20-07-2006 and permitting the respondents 2,3 and 4 to participate is illegal, arbitrary and violative of Article 14 of Constitution of India and contrary to the Rules 9 and 5 of A.P.Panchayat Raj Conduct of Election Rules read with Rules 1 (d) and 1(f) of Chapter V of hand book of Returning Officer for Panchayat Election and acceptance of the nomination form of the respondents 2,3 and 4 are liable to be set-aside and consequently direct the 1st respondent to pass appropriate orders under the provision of Under Rule 12(2) of A.P.Panchayat Raj Conduct of Elections Rules and pass such other suitable orders.

3. Several factual details had been narrated. It is needless to say that what is complained for is in contravention of rules. The petitioner

is having a remedy by way of election petition. Hence, this court as a writ court is not inclined to interfere at this stage.

4. With the above observation, the writ petition is disposed of. No order as to costs.

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01-08-2006

Stp